

STEPHEN DOWNS,)
)
Plaintiff,)
)
v.) NO. 3:20-cv-01090
) JUDGE RICHARDSON
)
DENIS McDONOUGH, Secretary of)
Veterans Affairs, *et al.*,)
)
Defendants.)

Pending before the Court is a Report and Recommendation (Doc. No. 54, “R&R”) from the Magistrate Judge recommending that the Court grant in part and deny in part Defendants’ Motion to Dismiss, or in the Alternative Motion for Summary Judgment (Doc. No. 40, “Motion”), which sought dismissal of Plaintiff’s claims under Federal Rule of Civil Procedure 12(b)(6) on the ground that Plaintiff had failed to state a claim upon which relief can be granted, and alternatively, summary judgment pursuant to Federal Rule of Civil Procedure 56. Plaintiff responded to the Motion. (Doc. Nos. 44-46, 49-51). Defendants replied. (Doc. No. 52). After the R & R was issued, Plaintiff and Defendants filed separate objections to it. (Doc. No. 57, “Plaintiff’s Objections”; Doc. No. 55 “Defendant’s Objection”).

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Accordingly, Defendants' Motion (Doc. No. 40) is GRANTED in part and DENIED in part as follows:

- 1) DENIED with respect to Plaintiff's employment discrimination and retaliation claims brought under Title VII, the ADEA, and the THRA, except for the claim of a constructive discharge under Title VII, which is hereby DISMISSED for lack of exhaustion;
- 2) GRANTED as to all other claims and those claims are DISMISSED;
- 3) GRANTED as to Plaintiff's request for punitive damages;
- 4) GRANTED as to individual liability claims brought against Defendants Jennifer Vedral-Baron, Cynthia Johnson, Emma Phillips, Timothy Eckwood, and Joseph Blair, and said Defendants are DISMISSED from the case; and,
- 5) DENIED to the extent that Defendants seek summary judgment in their favor.

IT IS SO ORDERED.



ELI RICHARDSON
UNITED STATES DISTRICT JUDGE